



Training and employing  
people with disabilities  
and special needs

## Facsimile

|                         |                     |
|-------------------------|---------------------|
| To: G. John Heyer       | From: Robert Thayer |
| Fax: 703.603.0655       | Pages: 3            |
| Phone:                  | Date: 1/26/2005     |
| Re: Proposed rulemaking | CC:                 |

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Please see attached. Thank you.



Training and employing  
people with disabilities  
and special needs

*January 25, 2005*

*Mr. G. John Heyer  
1421 Jefferson Davis Highway  
Jefferson Plaza 2, Suite 10800  
Arlington, VA, 22202-3259*

*Dear Mr. Heyer;*

*On behalf of Goodwill of North Florida, we are writing to express our opposition to the proposed notice of rulemaking [Docket No. 2004-01-01] from the President's Committee for Purchase From People Who Are Blind or Severely Disabled. The proposed rulemaking on governance standards for central nonprofit agencies and nonprofit agencies participating in the Javits-Wagner-O'Day (JWOD) Program exceeds the scope of the Committee's authority and Congressional mandate.*

*For over sixty years, Goodwill of North Florida has been a leader in job training and placement services for individuals with barriers to employment; including disabilities and special needs. We believe that the opportunity to work can and does change a person's life, increases one's self esteem and helps break the cycle of poverty. Working individuals contribute to the economic and social vitality of our community and that is a success that we can all be proud of!*

*Last year we served 12,178 individuals and placed 6,237 into employment outside of our organization. Goodwill of North Florida currently employs 35 individuals with documented disabilities.*

*The authorizing statute for the JWOD program clearly delineates the powers and responsibilities of the Committee (41 CFR 51-2.2, 41 U.S.C. § 46). These powers and responsibilities do not extend to governance standards or executive compensation. Both Congress and the Internal Revenue Service (IRS) have jurisdiction over these areas. The Committee is mandated with determining which commodities and services should be on the Committee's procurement list and fair market prices, and informing federal agencies about the JWOD program.*

*As a participating JWOD agency, we would hope that the Committee would comply fully with the Congressional intent to provide employment and training opportunities for persons who are blind or have other severe disabilities and not delve into areas for which it lacks both the Congressional and statutory authority necessary to promulgate*



*governance and other standards. The proposed rules will impact the entire community of participating nonprofit agencies, despite the Committee's own comment that the overwhelming majority of JWOD-affiliated central nonprofits agencies and nonprofit agencies operate in an ethical and accountable manner.*

*The statutory authority and regulations, as well as the legislative history, in addition to the applicable federal case law, do not support the Committee's actions. Furthermore, we have concerns understanding the rationale for the Committee to purport to assume regulatory authority over the governance standards for nonprofit, tax-exempt 501 (c) (3) organizations, because numerous federal entities exist to regulate these organizations.*

*We urge the Committee for Purchase not to adopt these misguided regulations, which are overreaching and not in the best interests of maintaining the JWOD program. A review of the legislative history of the JWOD Act reveals specific powers and duties conferred on the Committee- these powers relate to the purpose of the Act. The Committee was not given oversight of corporate governance and executive compensation, and therefore, the proposed rules exceed the Congressional mandate.*

*If all nonprofit organizations were restricted to the managerial compensation levels specified in the proposed rules, many would be unable to attract and retain the most experienced and talented personnel, particularly in high-cost-of-living metropolitan areas. The resulting loss of talent and "brain drain" would, over years, reduce employment and training opportunities for blind and disabled citizens. In addition, for many larger organizations, only a small portion of the overall budget is a result of JWOD-affiliated work.*

*We believe that the proposed rules do not advance the Congressional intent of the enacting JWOD legislation, and would, if adopted, diminish the program's ability to increase employment opportunities for the blind and disabled. We respectfully request that the Committee withdraw these rules.*

*Sincerely,*



Robert Thayer  
President/CEO